

### REMARKS

#### I. INTRODUCTION

In response to the Office Action dated June 21, 2010, claims 1 and 8 have been amended. Claims 1-14 remain in the application. Entry of these amendments, and re-consideration of the application, as amended, are respectfully requested.

#### II. CLAIM AMENDMENTS

Applicants' attorney has made amendments to the claims as indicated above. Unless otherwise indicated, these amendments were made solely for the purpose of clarifying the language of the claims, and were not required for patentability or to distinguish the claims over the prior art.

#### III. PRIOR ART REJECTIONS

Claims 1, 2, 8, 12 and 13 were rejected under 35 U.S.C. §103(a) as being unpatentable over The NTN Network (NTN), Junkin, U.S. Patent No. 6,193,610 (Junkin) and Allen, U.S. Publication 2002/0119824 (Allen).

Claims 3 and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over NTN, Junkin, Allen and Crockett et al., U.S. Publication No. 20040039631 (Crockett).

Claims 4-7 were rejected under 35 U.S.C. §103(a) as being unpatentable over NTN, Junkin, Allen and Walker, U.S. Patent 5,779,549 (Walker).

Claims 9-11 were rejected under 35 U.S.C. §103(a) as being unpatentable over NTN, Junkin, Allen, Walker and Weitz, U.S. Publication 2003/0171148 (Weitz).

#### The NTN Reference

The NTN reference describes a system that develops and produces original programming and distributes game programming. The NTN system can provide up to 16 live events for interactive play, allowing distribution of different programs to customers in different geographical locations. See Page 4, first full paragraph.

The NTN network broadcasts a variety of sports and interactive trivia games. The games are broadcast live, at specified times, and during live sporting contests when the NTN game

corresponds to the live sporting contest. See Page 2, last full paragraph-page 3, second full paragraph.

The NTN network also broadcasts 30 minute general interest trivia games that start on the half-hour. Further, the NTN network allocates 14 minutes each hour for advertising spots. See Page 3, third and sixth paragraphs.

#### The Junkin Reference

Junkin merely describes an interactive apparatus and method that allows participants to compete in an interactive game, such as a contest or sporting event, occurring in real time or as a taped broadcast of a real time event. The event with which the participant may interact is broadcast live or previously taped but not aired. At home, participants can play along with the broadcast on a real time basis as a previously taped segment of the television show is aired. Interactive play may be accomplished by access to an on-line version of the game while the corresponding game show airs live or is rebroadcast to the participant for the first time on television.

#### The Allen Reference

The ancillary Allen reference is cited as disclosing updates of answers in real-time and competitions between players.

#### The Ancillary Crockett, Walker, and Weitz References

Crockett and Walker are cited as teaching bonus scores, question databases, and update servers receiving and transmitting data, respectively.

#### The Claims Are Patentable Over The Cited References

The claims of the present invention describe methods and systems for interactive gaming. A method in accordance with one or more embodiments of the present invention comprises transmitting a gaming application from a gaming system to a plurality of receivers via a first communications network, and storing the gaming application at the receiver, selecting a game from a plurality of games in the gaming system, wherein each game in the plurality of games is playable at the time of selection, initiating a game selected from the plurality of games from the gaming application at a time after a time of transmission of the gaming application, wherein each receiver in

the plurality of receivers selectively allows a plurality of different users to initiate the game at a time selected by each user in the plurality of users, submitting a user identification, generating a plurality of questions for a skill level, initiating a question answer sequence, incrementing through the plurality of questions while progressing through the question answer sequence, incrementing the skill level upon completion of the question answer sequence for the plurality of questions, calculating a time based score component for each skill level, calculating a bonus score component for each skill level, summing the time based score component and the bonus score component in order to determine a total level score for each skill level, calculating a real time total user score associated with the results of the question answer sequence by summing the total level score for each skill level completed by the user, transmitting the real time total user score to the gaming system via a second communications network, and transmitting a ranking of the real time total user scores for each user via the first communications network.

The cited references do not teach or suggest the limitations of the claims of the present invention. Specifically, the cited references do not teach or suggest at least the limitation of selecting a game from a plurality of games in the gaming system, wherein each game in the plurality of games is playable at the time of selection and initiating a beginning of a game selected from the plurality of games from the gaming application at a time after a time of transmission of the gaming application as recited in the claims of the present invention.

### Discussion

Applicant appreciates the response to the previously submitted arguments.

The Office Action suggests that a game cannot be played during transmission. Applicant traverses this characterization in light of NTN. NTN specifically provides events for live play, thus, in the NTN system, a game is played during transmission.

With respect to the Office Action's interpretation of the NTN reference, Applicants continue to respectfully traverse the characterization of NTN. Nowhere does NTN teach or suggest that a game can be played in the NTN system at any time other than at the time the game is broadcast. That NTN can stream a game to Yahoo or any other internet portal during a live broadcast does not mean that NTN is played at any other time.

NTN clearly does not teach anything other than playing the trivia game at the time the game is broadcast. Applicants agree that NTN teaches broadcasting the game to various

locations, and that NTN can broadcast a game for a week if desired; however, Applicants continue to contend that NTN teaches a “live” game play in that everyone competing in the NTN game is competing simultaneously, that the questions are presented simultaneously to all players, and that once the NTN broadcast has started, any viewers that arrive after a portion of the game has already been broadcast cannot go back in time and answer those questions previously submitted to other participants.

The Office Action contends that the tournament can be held over an extended period of time, e.g., a week. Applicant agrees with this contention, however, use of this example will indicate the differences between Applicant’s invention and NTN.

As contended by the Office Action, NTN broadcasts a tournament over a week’s time. Every day, there are 100 questions asked, and answers for the questions are compiled and rankings produced.

In the NTN system, the questions asked during day 1 are not available to any players after day 1. So, anyone joining the tournament during day 2 will never have a chance to answer the questions asked during day 1. Thus, any player that wants to play the game after the beginning day of the tournament is at a disadvantage and would likely not compete.

Further, contestants that competed during day 1 and miss day 2 of the tournament would be at a similar disadvantage, because the questions asked during day 2 are not available after day 2. Nowhere does NTN suggest that a “live” broadcast is repeated later, and such a scenario is not desirable in that NTN bases the questions on the “next play” in a live sporting contest. If someone already knows that the next play is because the play occurred in the past, those people that play the NTN contest during original transmission would be disadvantaged as not having that knowledge.

Thus, NTN cannot, logically, teach anything but a “live” broadcast. NTN considers itself a “network” and thus broadcasts games as any network would broadcast shows. So, from 7pm to 8pm on a given day, a certain “tournament” is held. If that tournament is continued the next day, for the next week, etc., the fact remains that whatever portion of the tournament that occurred during Monday’s time slot will not be repeated at a later time, and thus people joining the tournament at a later time will not be able to participate in that portion of the tournament.

The present invention suffers no such infirmity. The present invention allows players to initiate the beginning of the tournament/game at any time. Nowhere does NTN allow for a user to initiate the beginning of the tournament whenever they want to join; instead, NTN places the new user into the tournament at whatever time they join, to their disadvantage.

In order to expedite prosecution, Applicants have amended the claims to include an additional limitation also not shown by NTN or any of the other cited references: the limitation of each receiver in the plurality of receivers selectively allowing a plurality of different users to initiate the beginning of the game at a time selected by each user in the plurality of users as recited in the claims of the present invention. The remaining references do not remedy this deficiency of NTN.

The arguments and amendments presented herein are supported by the specification as filed at least in paragraph [0042].

The various elements of Applicants' claimed invention together provide operational advantages over the systems disclosed in NTN, Junkin, Allen, Crockett, Walker and Weitz. In addition, Applicants' invention solves problems not recognized by NTN, Junkin, Allen, Crockett, Walker and Weitz.

Thus, Applicants submit that independent claims 1 and 8 are allowable over NTN, Junkin, Allen, Crockett, Walker and Weitz. Further, dependent claims 2-7 and 9-14 are submitted to be allowable over NTN, Junkin, Allen, Crockett, Walker and Weitz in the same manner, because they are dependent on independent claims 1 and 8, respectively, and because they contain all the limitations of the independent claims. In addition, dependent claims 2-7 and 9-14 recite additional novel elements not shown by NTN, Junkin, Allen, Crockett, Walker and Weitz.

IV. CONCLUSION

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters remain that can be resolved in a telephone interview, the Examiner is urged to call Applicants' undersigned attorney. The Director is authorized to charge Applicant's Deposit Account No. 50-0383 should any fees become due with this response.

Respectfully submitted,

Date: August 20, 2010

  
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